

REMARKS

Claims 1-49 are pending in this application. All of the pending claims were rejected. None of the claims is currently amended. Reconsideration is respectfully requested.

Claims 1-49 were rejected under 35 U.S.C. 102(e) as being anticipated by Au (US 7,110,670). The '670 patent was filed on October 10, 2001, claiming priority to a provisional patent application filed March 30, 2001. The present application was filed on August 15, 2001, and claims priority to a provisional patent application filed **August 15, 2000**. Therefore, the '670 patent does not qualify as prior art under 102(e) because it was not "published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent." Withdrawal of the rejection is therefore requested.

Claims 1, 14, 26, 29 and 39 were rejected under 35 U.S.C. 112, first paragraph for containing subject matter which was not described in the specification. In particular, the Office bases the rejection on the clause "whereby the user need not have the network topological information in order to obtain a new optical communication path." Applicant respectfully traverses. As described at page 21, line 26 through page 22, line 14:

In the hybrid/proxy architecture, authentication and flooding are handled by the OSS, as shown in FIG. 16. The OSS maintains authentication information for multiple OSA-enabled users, and also maintains a group identifier for each OSA-enabled user. After authenticating an OSA-enabled user, the OSS floods the advertisement on behalf of the OSA-enabled user, for example, using a mechanism similar to Proxy-PAR ... The hybrid/proxy architecture is similar to the distributed flooding architecture, and therefore has many of the same advantageous and disadvantageous characteristics as the distributed flooding architecture. However, because the OSS rather than the OSA-N floods the advertisement, the OSS does not need to "leak" topological information to the OSA-enabled user. Therefore, there is no confusion of the separation between the NNI and the UNI.

Withdrawal of the rejection is therefore requested.

Claims 1, 14, 26, 29 and 39 were also rejected under 35 U.S.C. 112, second paragraph for being indefinite. In particular, the Office bases the rejection on the clause “whereby the user need not have the network topological information in order to obtain a new optical communication path.” Applicant respectfully traverses. Traditionally, communication services must be planned and scheduled well in advance because provisioning a new optical communication path requires substantial human intervention.¹ It is well known that topological information, such as intermediate nodes, must be known to provision a new optical path from a node A to a node Z. Provisioning an optical communication path is not like IP routing, where a destination address is placed in a header for resolution downstream. Typically, an optical path is “nailed up” until torn down. The present invention represents a technique for reducing the time and human intervention required to provision a new optical path. Clearly, a user device supplied with network topology could, if properly equipped, calculate a new optical path. However, Carriers, e.g., Verizon and Bell South, are reluctant to expose that topological information to users. Complicating matters further, the carriers are reluctant to expose topological information to each other. This creates a problem for an enterprise that wishes to establish an optical communication path between two sites, e.g., Los Angeles and Boston, which must traverse the networks of multiple carriers, in a short period of time. The section of the specification quoted above describes one technique for solving the problem. Since an advantage of the technique is shielding the user from network topological information, the meaning of the recited claim language is clear. If the Office would be satisfied with a variation of statement such as “whereby the user does not have the network topological information ...,” then Applicant believes the issue

could be settled by a brief telephone conversation. Accordingly, Applicant requests that either the rejection be withdrawn or the Examiner contact Applicant's attorney to discuss an acceptable variant.

Applicant will submit paper copies of the IDS documents so that those documents can be considered by the Examiner.

This application is now considered to be in condition for allowance and such action is earnestly solicited. Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-4001 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

/January 22, 2007/
Date

/Holmes W. Anderson/
Holmes W. Anderson, Reg. No. 37,272
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720
(978) 264-6664

Docket No. 120-174
Dd: 1/20/07

¹ Specification at page 3, lines 10-15